

11/06/01

**RESOLUTION No. 01-440**

**A RESOLUTION OF THE GOVERNING BODY OF THE  
CITY OF WICHITA DECLARING A MORATORIUM ON  
THE PROCESSING OF CERTAIN DEVELOPMENT  
PERMITS FOR PROPERTIES ON THE SENECA STREET  
AND DOUGLAS AVENUE IN THE DELANO  
NEIGHBORHOOD**

WHEREAS, the City of Wichita ("City") has prepared and approved a plan for the redevelopment of the Delano neighborhood titled the Delano Neighborhood Revitalization Plan, adopted by the City as an amendment to the Wichita-Sedgwick County Comprehensive Plan on March 26, 2001;

WHEREAS, the City has undertaken planning for the implementation of the Delano Neighborhood Revitalization Plan and is working with the Delano neighborhood associations on the development of area wide rezoning and a design overlay district;

WHEREAS, Seneca Street between McLean Boulevard and Kellogg Street, serves as the gateway to the "Museums on the River" District, and Douglas Avenue between Seneca Street and McLean Boulevard, serves as a major thoroughfare into the Central Business District, and the City has planned and approved capital improvements of \$3.3 million to upgrade and beautify Seneca Street and \$2.75 million for Douglas Avenue (collectively known as the "Delano Corridors");

WHEREAS, the appearance and use of the properties with frontage on the Delano Corridors are important to the protection of the capital investment and the success of the overall Delano Neighborhood Revitalization Plan;

WHEREAS, the planning and improvements for the Delano Corridors and the Delano design overlay district will require time to accomplish and the City desires to protect its current and future investment in the area during the time the planning and improvements are being completed;

WHEREAS, off-site signs, as defined and regulated by Chapter 24 of the Code of the City of Wichita, require special attention because of the size, intensity, and impact of those signs on traffic and neighboring properties;

WHEREAS, under its police powers to promote the health, safety, and welfare of the citizens of this community, the City desires to impose a reasonable moratorium to allow time for

the hiring of professional assistance for the development and implementation of the Delano design overlay district, and determines that one year is such a reasonable time;

WHEREAS, the City intends that this moratorium shall apply to the approval of certain applications for signs, building permits, and curb cuts on properties with frontage on the Delano Corridors within the City;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA THAT:

1. Douglas Avenue from McLean Boulevard to Seneca Street and Seneca Street from Kellogg Street to McLean Boulevard (“Delano Corridors”) are designated as development sensitive areas and entitled to special attention and protection by the City. Properties with frontage on the Delano Corridors are subject to this resolution.

2. (a) A moratorium is hereby imposed on the processing of applications or granting of applications or permits for properties with frontage on the Delano Corridors for the following:

Off-Site Signs Permits

(b) Appeals of any administrative decisions under Subsection 2(a) shall be submitted in writing to the City Council for final decision. If the City Council approves the processing or grant of any application administratively denied or not processed, such application shall thereafter be processed upon the procedures established by ordinance or law for such type of application.

3. (a) A moratorium is hereby imposed on the processing of applications or granting of applications or permits, subject to subsection (b), for properties with frontage on the Delano Corridors for the following:

1. Sign Permits other than those covered in Section 2,
2. Building permits for
  - a. new construction,
  - b. expansion or remodeling of existing buildings or structures that affects or changes the appearance of facades facing the Delano Corridors or facing cross streets intersecting with the Delano Corridors.
3. Permits for new curb cuts on the Delano Corridors.

(b) The moratorium established by Subsection 3(a) is not intended to prohibit construction and development in the Delano neighborhood. All applications covered by Subsection 3(a) shall be reviewed for conformity to the Delano Neighborhood Revitalization Plan and no such application shall be processed or permit issued unless it is determined in writing jointly by the Director of Planning and Zoning Administrator that the application or permit is in

conformance with the goals and guidelines of the Delano Neighborhood Revitalization Plan and the criteria of this Resolution. Upon a determination of conformity, an application may thereafter be processed as provided by ordinance or law for such type of application without further limitation of this Resolution.

(c) Appeals of any administrative decisions under Subsection 3(b) shall be submitted in writing to the City Council for final decision. If the City Council approves the processing or grant of any application administratively denied or not processed, such application shall thereafter be processed upon the procedures established by ordinance or law for such type of application.

4. This moratorium shall remain in effect for a period of up to one year from this date. Not later than six months from this date, the City Council shall review the progress toward development and implementation of the Delano design overlay district and determine the length of time for continuation of the moratorium or the modification of any of its provisions.

5. City Staff is encouraged to move expeditiously to work on the Delano design overlay district and ordinances implementing the Delano Neighborhood Revitalization Plan. Nothing in this moratorium is intended to preclude the City Manager and his staff, the Planning staff, or Central Inspection staff from receiving applications or continuing to work with property owners or developers in the review the appropriateness or the conformance with current regulations of specific projects and construction in the Delano neighborhood.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, this date

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Bob Knight, Mayor

ATTEST:

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Pat Burnett, City Clerk

Approved as to Form:

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Gary E. Rebenstorf, City Attorney